A South Florida couple that suffered debilitating injuries from deadly anti-wrinkle shots has settled a civil lawsuit against the supplier of the lethal toxin.

Eric and Bonnie Kaplan, of Palm Beach Gardens, were among four people who almost died of botulism poisoning in 2004 after they were injected with a toxin more than 2,850 times the lethal dose at an Oakland Park clinic. The couple had thought they were getting Botox injections.

The terms of the settlement, finalized on the eve of a trial that was scheduled to begin Monday in Broward Circuit Court, include a confidentiality clause, said attorneys for both sides. The settlement is between the Kaplans and List Biological Laboratories of California, which supplied the raw botulinum toxin, according to Seth Miles, the Kaplans' attorney.

While neither side would discuss the amount of the settlement, the Kaplans revealed last year that they had previously rejected a $1 million settlement offer from List.

"The Kaplans are very pleased with the outcome. The ultimate goal was to prevent what happened to them from happening to other people," Miles said.

The couple also is satisfied that tighter restrictions and protocols have been imposed on companies that sell such toxins, he said.

Eric and Bonnie Kaplan would not comment on the advice of their attorney. Eric Kaplan, a chiropractor, and his wife were temporarily paralyzed after receiving the injections, Miles said. Today, they still are suffering from the repercussions, which include occasional difficulty breathing and swallowing, as well as hearing, stomach and back problems, he said.

Bach McComb, an osteopathic physician who had lost his license, injected the powerful toxin into himself, his then-girlfriend, Alma Hall, and the Kaplans.

Robert DeWitt McIntosh, the local attorney for List, said the company takes its responsibilities and the Kaplans' allegations seriously. "Everyone involved in the case looked at what Mr. McComb did with the product and said, 'How could someone do that?'"

The couple filed a lawsuit against several individuals and companies, but it eventually was whittled down to List, Miles said.
The settlement brings to a close the civil portion of the case, Miles said.

McComb, 49, is now serving three years in federal prison and is scheduled for release in 2008. Two other people who also sold research-grade levels of the toxin, Chad Livdahal and Zahra Karim, both 35, also are serving federal prison terms in connection with the case.

Separately, the Kaplans are appealing a federal judge's ruling that their health insurance company, Blue Cross & Blue Shield, is not required to cover their medical costs because they were undergoing elective cosmetic surgery, as the company had argued.

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**Botox for your pits, Restylane for your lobes**

**Written by Grinza Staff**

In the heat of summer parties, the last thing you want happening at your wedding or in your cocktail dress is the sight of sweat dripping from your arm pits.

Now there's a fix to keep your confidence: a shot of botox in your arm pits for a cool $600 or so.

According to celebrity stylist, Inge Fonteyne, Botox paralyzes glands to temporarily stop armpit sweating. It works and it's catching on for summertime cocktail soirees and hot summer weddings.

And while you're at the doctor you may discover another treatment being whispered about -- dermal fillers like Restylane to plump up your earlobes below and around the earring hole. Call it a 'cosmetic invention' - it seems rather simple, and yet, Dr. Allan E. Wulc, a suburban Philadelphia plastic surgeon, was the only expert to figure it out.

After many an hour on the cell-phone along with aging occurring after 40...a good look in the mirror may reveal something you've never noticed before: bassett hound lobes.

Some are dubbing it the "lobe lift.", but Dr. Wulc simply calls it 'earlobe
rejuvenation,’ and says women are grateful for his clever idea.

In a matter of less than five minutes and a shot of Restylane, ear lobes that once looked sad can make your diamond (or Diamonique) earrings look like a million bucks. Prior to earlobe rejuvenation, women had to resort to surgery to try and correct aging lobes. Usually, such surgery produced lukewarm results.

Like Botox, the Restylane lobe lift costs about $600 but is often done in conjunction with additional anti-wrinkle treatments which 3 million women received last year.

Deadly Beauty Treatments, Part II

Melba Newsome

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There's nothing wrong with medical spas in concept -- or, in many cases, in practice. Dermatologist Bruce Katz, MD, who opened the first medical spa in 1999, says his patients had been asking for something like it for years.

"A lot of our patients were telling us that they went to spas and got massages and facials but that they didn't get any lasting benefit from the treatments," says Katz, who is director of the Cosmetic Surgery & Laser Clinic at Mount Sinai Hospital in New York City, as well as medical director of Juva Skin & Laser Center. "We thought, 'Why can't we have a relaxing spa setting, but with a dermatologist doing things that really work?'"

The combination proved alluring. These hybrid facilities have become the fastest-growing segment of the $11 billion spa industry. By 2004, there were approximately 400 medical spas, or medispas, across the country. Now there are about 2,000. The increase in medispas has been accompanied by a jump in reported problems. A 2003 survey of members of the American Society for Dermatologic Surgery showed a 41 percent increase since 2001 in the number of patients coming for help after a skin treatment botched by a nondoctor technician. Laser and light-based treatments seem to cause the most trouble -- nerve damage and scarring in addition to burns -- but chemical peels, microdermabrasion, and other treatments are not risk free.

The Ugly Price of Cut-Rate Beauty

Medispas often offer low prices on popular treatments like Botox -- a major lure for customers. But when you see the corners that can be cut, the deals don't look so good.
Allergan, the only maker of FDA-approved Botox, for example, sells every vial at the same undiscounted price: $505. Because a low-price spa can't economize on the Botox itself, it must find other ways to cut costs, says Susan C. Taylor, MD, a spokesperson for the American Academy of Dermatologists. One solution: using workers who have minimal training and experience. If Botox isn't injected properly, eyelids may not open all the way or eyebrows may droop until the effects of the toxin wear off. Mistakes can occur even when a doctor does the injection, but, says Taylor, "there's a big difference between a physician-supervised, trained nurse practitioner and an inexperienced medical assistant who might be earning $13 per hour. You can lower your price if you're paying workers $13 an hour."

There can be another explanation for a suspiciously good deal. Allergan sells Botox as a powder, which should be mixed with 2 cc of sterile water before use. But some spas may stretch their supply by adding more water, says McGuire, who's had patients come in after a $99 medispa special, complaining that the Botox had no effect. "I always say that the patient is not getting cheap Botox, she's getting expensive water," says McGuire.

Does that mean that a medical school diploma on the wall provides perfect protection? Of course not: One of the most notorious of Botox counterfeiters was Idaho physician Ivyl Wells, MD, who was sentenced last December to 6 months in jail for using cut-rate botulinum toxin labeled not for human use. Criminals aside, though, doctors can prevent a multitude of mishaps.

He or she needn't actually be hands-on for the procedure, says dermatologist Katz, who heads the medical advisory board for the Medical Spa Society, a trade group. Technicians perform many of the treatments at Juva -- but at that medispa and others like it, every customer sees a doctor first for a medical history and treatment plan. And a doctor is always at the spa when procedures take place.

That means prescription-strength medications can be used in pampering treatments: At Juva, the anti-aging facial sometimes includes fluorouracil, a drug that destroys precancerous cells -- in higher doses, it's used in chemotherapy. Spa goers can get a full range of medical procedures, including laser treatment using whichever of several different kinds of lasers is best for their skin. Many less-reputable medispas have only a single laser, which may not be right for some customers. And with a physician down the hall, a technician can call one if, say, a suspicious-looking mole is noticed during a massage.

The doctor can also step in if a problem arises, says Patricia Farris, MD, a clinical assistant professor of dermatology at Tulane University. That can be critical, because no procedure is without risk. Take the skin "polishing" treatment known as microdermabrasion: It's widely used and generally safe, but Farris saw it go wrong in her office. As her technician treated one woman a few years ago, "every single place we touched turned into a giant hive," Farris says. The danger signal suggested an allergic reaction called angioedema, in which swelling can obstruct the throat and prevent breathing. "I had to give her emergency injections of antihistamine and cortisone," says
Farris, who published a report of the case in Dermatologic Surgery.

Doctors have a breadth and depth of knowledge that can be sorely missed, as Jordan Miles, 52, found out. In October 2004, the stay-at-home mom visited a medical spa in Panama City, Fla., to have some sunspots on her back removed by laser. The technician who sold her the treatment assured her that it would be relatively painless.

To the contrary, recalls Miles: "It felt like they were sticking a hot curling iron to my back. Within an hour of leaving the spa, I was in severe pain and throwing up. When I went to a doctor, he said I had second- and third-degree burns. About a week later, they started oozing and turned into sores."

The problem was actually quite simple and easily avoided by anyone with basic medical knowledge. Miles was tan. A laser works by zapping cells or unwanted hair with highly focused light; the light is absorbed by pigment in the targeted cells, which heat up so much they're destroyed. But when the patient is tanned, the surrounding skin can be badly burned, too. The treatment also presents special risks for African Americans, Hispanics, and people of many other ethnicities, even if their skin doesn't appear to be highly pigmented.

"It's not necessarily the fault of the device but how it's being used," says dermatologist Vic Narurkar, MD, an assistant clinical professor at the University of California, Davis, and past president of the American Society of Cosmetic Dermatology & Aesthetic Surgery. "And it's not only about technical ability. It's about knowing when to treat and when not to treat."

Making Spas Safer

It's a common complaint that laws change only after someone's been hurt. In the case of medispas, there have been plenty of injuries and at least one death, but the laws remain an inconsistent and threadbare patchwork.

After the death of Shiri Berg in North Carolina, a state legislator in 2005 introduced a proposal that would have stiffened the training requirements for technicians providing laser treatment. It set off a firestorm among cosmetologists and other groups and was amended so many times that its sponsor finally withdrew it from consideration. Something similar happened in California, where then-state Sen. Liz Figueroa introduced one bill making it a misdemeanor for anyone but a physician, nurse, or physician's assistant to use a laser device, and a second bill requiring a doctor to be in the spa during any laser or other cosmetic medical procedure. But the law that was signed last year simply ordered the state medical board to review the issue and adopt new regulations by January 1, 2009.

The Medical Spa Society is developing voluntary standards for the industry, says Katz. The rules will compel spas to have a physician on site anytime a medical procedure is performed and will make it crystal clear that the term medical procedure applies to many of the treatments most commonly performed at mediaspas -- laser hair removal or skin resurfacing and injections of Restylane or Botox, along with therapies like
microdermabrasion.

But it's likely to take at least a decade for the regulatory kinks to be worked out. Until then, the responsibility for a good outcome rests on the shoulders of the consumer -- see "The Smart Woman's Guide to Mediaspas," below.

"You have to know the people, the place, and the product," says McGuire. "That's the only way to ensure you have a good chance of getting the result you want and that you won't wind up with a catastrophe."

Nearly 3 years after Jordan Miles tried to have her sunspots removed, her back is still so severely scarred that she can't wear anything sleeveless or cut low in back. Terri Bowling's foray into a medispa in search of a bargain has permanently altered her lifestyle. Once an avid scuba diver, she had to give up the sport because she can no longer go in the sun. She hasn't worn a skirt, dress, or pair of shorts since 2001. And she still has to shave her legs.

The Smart Woman's Guide To Medispas

A medical spa -- also known as a medispa, med-spa, laser clinic, or laser center -- can deliver pampering, convenience, and the cosmetic improvements you want -- but the wrong spa can also bring you pain, scars, or worse. Here's how to make sure you stay safe.

Ask if a physician will be on site during your treatment. "If they say, 'Our medical director is a doctor,' that's not enough. Ask, 'Where is he?"' advises Bruce Katz, MD, chairman of the medical advisory board of the Medical Spa Society. No doc? You walk.

Make sure the doctor -- not a technician -- takes your medical history. It's OK for a physician's assistant to do it, so long as a doctor reviews the history. Proper treatment will depend on someone asking you the right questions -- and knowing when one of your answers raises a red flag.

Find out what the procedure should feel like, so you'll be able to recognize inappropriate pain or other problems. Web sites such as MedlinePlus -- medlineplus.gov -- provide thorough explanations of common cosmetic procedures.

Beware of deals that seem too good to be true. The manufacturer of Botox, for instance, offers no discounts; the company advises consumers to be leery of prices below about $300 for an area like the space between the brows.

Know if your state protects you from botched treatments. For an exclusive rundown of safety measures in all 50 states, go to prevention.com/medispa.

Protect Yourself From The Trickiest Procedure

Laser treatments done by people without medical training account for the bulk of the problems in recent studies. Be aware that there are no standardized requirements for
training, and make sure a doctor is at the spa when you have your procedure. You should also:

Ask to see before-and-after photos of other customers who had similar conditions and treatments.

Request a patch test, especially if your skin tends to be sensitive.

Avoid undergoing a laser procedure if you're tanned. If you have dark skin or are a person of color, lasers such as the Nd:YAG decrease your risk of burns.

Disclose medical conditions, allergies, and any medications you're taking, because they may affect your treatment. Tell your doctor if you have a history of scarring or herpes.

Published June 22, 2007